

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 21857
of Bear Creek Ranch, a Partnership,
to Appropriate from Bear Creek and
Peg Leg Creek in El Dorado County

Decision D 1256

ADOPTED AUG 31 1966

DECISION APPROVING APPLICATION IN PART

Bear Creek Ranch, a partnership, having filed Application 21857 for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Rights Board pursuant to said stipulation; the Board, having considered all available information and now being fully advised in the premises, finds as follows:

1. Application 21857 is for a permit to appropriate 48 acre-feet per annum (afa) by storage from November 1 of each year to June 30 of the succeeding year for fish culture, recreation, irrigation, domestic, stockwatering, and fire protection from Bear Creek and Peg Leg Creek in El Dorado County. The points of diversion are to be located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19, T12N, R11E, MDB&M.

2. The application proposes construction of a storage dam on Peg Leg Creek which will impound 23 acre-feet of water and a storage dam on Bear Creek which will impound 25 acre-feet of water. The water is to be used for irrigation of about 40 acres. About 25 horses and 24 head of cattle will water directly from the reservoirs, and the reservoirs will also be used for fish culture, recreational, and fire protection purposes. At some future time, homes, cabins, or campsites may be put in. When they are, water will be used for domestic purposes.

The damsite on Bear Creek is about $3/4$ of a mile upstream from the confluence with Peg Leg Creek and the damsite on Peg Leg Creek is about $1/4$ of a mile above the confluence. The watershed area above the point of diversion on Peg Leg Creek is about 540 acres and the watershed area above the damsite on Bear Creek is about 770 acres. From the confluence of Bear Creek and Peg Leg Creek, Bear Creek continues in a general southerly direction about 5 miles to its confluence with Rock Creek and then continues as Rock Creek about $2\frac{1}{2}$ miles to the confluence with the South Fork American River.

3. Protestants did not appear at the field investigation, although they were duly notified of it. They divert small quantities of water under claimed riparian and pre-1914 appropriative rights for domestic use at one house

and a trailer and for garden irrigation. Their points of diversion are between two and three miles below the confluence of Peg Leg Creek and Bear Creek.

4. Published records of the flow of Bear and Peg Leg Creeks are not available. At the field investigation made March 22, 1966, the flow of Bear Creek at the proposed damsite was estimated to be about 1/2 cubic foot per second (cfs). The flow of Peg Leg Creek just upstream from the confluence with Bear Creek was estimated to be about 1 cfs while the combined flow just below the confluence was estimated to be about 3 cfs. Bear Creek is a gaining stream with flow passing all points of diversion of the protestants, even in dry years.

5. The watersheds of these streams are below 5,000 feet so there is no runoff from snowmelt. Rainfall records indicate little or no precipitation on the watersheds during the months of June, July, August, and September.

6. Unappropriated water is available to supply applicant from about November 1 to about May 31 of each year, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

7. The intended use is beneficial.

8. Outlet pipes in the proposed dams will be necessary to allow natural inflow to pass through the reservoirs, except during the period of storage authorized, to supply downstream vested rights and to comply with permit terms.

From the foregoing findings, the Board concludes that Application 21857 should be approved in part and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 21857 and all relevant information on file therewith, particularly the report of the field investigation made March 22, 1966; USGS Georgetown quadrangle, 15-minute series, dated 1949; State Department of Public Works, Division of Water Resources, Bulletin No. 56, "Survey of Mountainous Areas," dated September 1955; U. S. Weather Bureau "Climatological Data, California," annual and monthly summaries; and Decision D 1098 of the State Water Rights Board.

ORDER

IT IS HEREBY ORDERED that Application 21857 be, and it is, approved in part, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 48 acre-feet per annum by storage to be collected from about November 1 of each year to about May 31 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

2. The maximum quantity herein stated may be reduced in the license if investigation warrants.

3. Actual construction work shall begin on or before June 1, 1967, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1969.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable

use, unreasonable method of use, or unreasonable method of diversion of said water.

8. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

9. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit. Permittee shall install and maintain outlet pipes of adequate capacity in his dams as near as practicable to the natural stream channels, or provide other means satisfactory to the State Water Rights Board to comply with this paragraph.

10. Permittee shall, when required by the Board, install and maintain suitable measuring devices on Bear Creek and Peg Leg Creek (a) upstream from the high-water elevation of each reservoir and (b) downstream from the dams in order that accurate measurement can be made of the quantity of

water flowing into the reservoirs and below permittee's project.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the _____ day of _____, 1966.

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member